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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,613	10/06/2005	Koki Kunii	740186-35	6318
25570 7590 09/28/2007 ROBERTS, MLOTKOWSKI & HOBBS P. O. BOX 10064 MCLEAN, VA 22102-8064			EXAMINER CHANG, AUDREY Y	
			ART UNIT 2872	PAPER NUMBER
			NOTIFICATION DATE 09/28/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/552,613	<b>Applicant(s)</b> KUNII, KOKI	
	<b>Examiner</b> Audrey Y. Chang	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/6/2005</u> . | 6) <input type="checkbox"/> Other: ____  |

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### DETAILED ACTION

#### *Remark*

- This Office Action is in response to preliminary amendment filed on October 6, 2005, which has been entered into the file.
- By this amendment, the applicant has amended claims 3-9.
- Claims 1-9 remain pending in this application.

#### *Conclusion*

1. This application is in condition for allowance except for the following formal matters:

#### *Claim Objections*

2. **Claims 6-9 are objected to because of the following informalities:**

(1). The phrase "the reflection prevention layer" recited in claims 6-8 is confusing for it lacks proper antecedent basis from their based claim.

(2). The phrase "according to one of claim 1" recited in claim 9 should be reversed as "according to claim 1".

**Appropriate correction is required.**

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

#### *Allowable Subject Matter*

3. Claims 1-5 are allowed over the prior art references of the record.

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4. Claims 6-9 would be allowable if rewritten to overcome the objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: of the prior art references considered none has disclosed a ND filter having light absorbing films and dielectric films superimposed on a transparent substrate wherein the a composition of the light absorption films includes 1 to 30 wt% of a pure component of a metal and 50 wt% or higher of a saturated oxide compound of the metal and other residual components comprising compounds of the metal including lower oxides of the metal.

6. Prior reference US patent issued to **Nakajima et al (PN. 6,842,302)** teaches a ND filter having laminated light absorbing metal layers and dielectric layers wherein the light absorbing layer comprises Chromel which is 90% of nickel and 10% of chromium, (please see column 3, lines 45-50). This reference does not disclose the light absorbing metal layer has the composition as explicitly stated in the claim of the instant application.

7. Prior reference US patent issued to **DeBusk et al (PN. 6,650,478)** teaches a ND filter having laminated light absorbing metal layers and dielectric layers wherein the light absorbing layer comprises nickel based alloy Hastelloy C276, (please see column 10, lines 60-64). This reference does not disclose the light absorbing metal layer has the composition as explicitly stated in the claim of the instant application.

8. Prior reference US patent issued to **Cushing (PN. 4,960,310)** teaches a ND filter having laminated light absorbing metal layers and dielectric layers wherein the light absorbing layer comprises nickel, chromium or alloys of these metals such as nichrome and chromel or INCONEL (i.e. nickel, chromium, and iron alloy, please see column 4, lines 43-62). This reference does not disclose the light absorbing metal layer has the composition as explicitly stated in the claim of the instant application.

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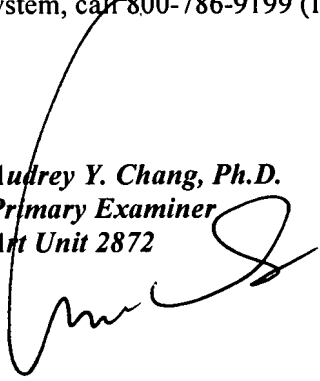
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Audrey Y. Chang whose telephone number is 571-272-2309. The examiner can normally be reached on Monday-Friday (8:00-4:30), alternative Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

***Audrey Y. Chang, Ph.D.  
Primary Examiner  
Art Unit 2872***



A.Chang, Ph.D.